

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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|---------------------|---|-----------------------|
| SUPERIOR COMPOSITE |) | Civ. 10-4066-KES |
| STRUCTURES, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | ORDER GRANTING MOTION |
| vs. |) | FOR LEAVE TO WITHDRAW |
| |) | COUNSEL WITHOUT |
| ABERSHAM COMMERCIAL |) | SUBSTITUTION |
| SERVICES, LTD and |) | |
| MALCOLM PARRISH, |) | |
| |) | |
| Defendants. |) | |

On December 1, 2010, defendants' attorney, John D. Mayne, with the firm of Bikakis, Mayne, Arneson, Hindman & Hisey, moved to withdraw as counsel without substitution. On January 4, 2011, the court denied the motion without prejudice because defendant Abersham Commercial Services, Ltd., is a corporation and corporations may not proceed pro se in court. Docket 12 at 12. Upon reconsideration, Mayne's motion to withdraw as counsel without substitution is proper at this time.

In the January 4, 2011, order, the court gave Abersham 30 days, or until February 4, 2011, to substitute counsel because Abersham would technically be in default on the day its attorney withdrew. *Ackra Direct Mkty. Corp v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996); Docket 12 at 2-3. The court later modified the deadline to February 22, 2011, because Mayne

notified the court that he did not forward the January 4, 2011, order to defendants until January 17, 2011. *See* Docket 13, 14.

On behalf of Abersham, Mayne moved for an extension of the default deadline with plaintiff's, Superior Composite Structures, LLC's, consent on February 16, 2011. The court granted the request and gave Abersham until March 8, 2011, to substitute counsel. Docket 18. On March 4, 2011, defendant Malcolm Parrish sent the court a letter requesting additional time to secure substitute counsel. Docket 19. Superior Composite resisted Parrish's motion. The court granted Parrish's motion, extended the deadline to secure substitute counsel for Abersham until March 21, 2011, and explicitly notified Parrish and Abersham that no further extensions would be granted. Docket 22. On March 21, 2011, Parrish made a pro se appearance. Docket 23. While it is unclear whether Parrish is appearing only on his own behalf or also for Abersham, the court has already explained to Parrish that only an attorney may represent a corporation. Docket 12 at 2.

Courts may only grant an attorney's motion to withdraw as counsel without substitution for good cause. D.S.D. L.R. 83.9C. Abersham had from January 4, 2011, to the date of this order to substitute counsel for Mayne. The court granted two deadline extensions and Abersham was still unable to secure substitute counsel. Thus, good cause exists to grant Mayne's motion. Accordingly, it is

ORDERED that John Mayne's motion to withdraw as counsel without substitution is granted. Mayne will forward a copy of this order to defendants.

Dated April 21, 2011.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE